

REMARKS/ARGUMENTS

Claim Rejections – 35 USC 102

In section 1 of the Office Action, the Examiner rejected Claims 1, 3, 6-11, 13, and 16-22 under 35 USC 102(e) as being anticipated by US Patent No. 6,647,257 B2 to Owensby,
5 herein referred to as the “Owensby patent.”

Specifically, regarding Claim 1, the Examiner stated that the Owensby patent discloses, in col. 15, lines 32-54 and col. 17, lines 25-54, a system for providing messages, which reads on the “context sensitive dynamic data,” via wireless networks. Further, the Examiner stated that the Owensby patent discloses an Advertiser (Sponsor),
10 which reads on the claimed “information source element,” configured to provide data to a Mobile Switch Center 18 (referring to col. 14, lines 31-38). The Examiner stated that the Mobile Switch Center 18 reads on the claimed data service element and uses the provided data to register with a Call Management System 20. The Examiner stated that the Call Management System 20 reads on the claimed directory service element. In addition, the
15 Examiner stated that a wireless terminal 12 reads on the claimed client, and subsequently requests a service from an Ad Content Data (“ACD”) 24. Additionally, the Examiner stated that the ACD 24 is a “sub” element of the Call Management System 20, referring to FIG. 2. The Examiner additionally stated that the ACD 24 is a repository for the messages sent requested by a subscriber; therefore, the Examiner concluded the ACD 24
20 is polled for information, referring to col. 6, lines 52-68. Additionally, the Examiner stated that the ACD 24 sends a lookup query to the Call Management System 20, wherein a look-up query is the set of results (messages) being sent to the subscriber via the Call Management System 20. The Examiner stated that the Call Management System 20 provides services matching those requested by the wireless terminal to an Ad Chooser
25 Server 22, which, in turn, contains a Candidate Discriminator Module 21. The Examiner stated that the Discriminator Module 21 reads on the claimed candidate service filtering sub-element, and the Discriminator Module 21 isolates the candidate services and submits them to an Ad Target Data 25. The Examiner stated that the Ad Target Data 25 reads on the claimed target service filtering sub-element. The Examiner further clarified
30 his position regarding the wireless terminal being able to request a message. The Examiner, referring to col. 6, lines 1-23, stated that the subscriber subsequently requests

services from the system. Further, the Examiner stated that the Ad Target Data 25 is isolated and provided to the wireless terminal and the isolated candidate services as a basis for registering the wireless terminal interest with a Historical Response Data 28. The Examiner stated that the Historical Response Data 28 provides an updated service entry of candidate services to the target service filtering sub-element and the directory service update decision sub-element provides an updated service entry to the Call Management System 20, col. 16, lines 3-51 and col. 19, lines 39-54 of the Owensby patent.

In order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met. Thus, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” W.L. Gore & Associates v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

The Applicants respectfully submit that the Owensby patent does not teach all of the claim limitations of Claim 1. Specifically, the Applicants assert that the Owensby patent does not teach, disclose, or suggest many of the elements claimed in Claim 1.

The Applicants submit that the Owensby patent discloses a system and method for providing targeted messages to a subscriber of a wireless mobile communications service, see col. 11, lines 18-20, for the reasons below.

a. The Owensby patent does not teach, disclose or suggest “an information source element configured to provide data to a data service element which use the provided data to register with a directory service element.”

Claim 1 claims in part, “an information source element configured to provide data to a data service element which uses the provided data to register with a directory service element.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.

On page 2 of the office action, the Examiner stated that the Advertiser (Sponsor) of the Owensby patent reads on the “information source element,” the Mobile Switch Center 18 of the Owensby patent reads on the “data service element” and the Call

Management System 20 of the Owensby patent reads on the directory service element.

Thus, the Examiner asserted that the Owensby patent teaches that an Advertiser (Sponsor) provides data to the Mobile Switch Center 18 and the Mobile Switch Center 18 uses the data from the Advertiser (Sponsor) to register with the Call Management System

5 20. The Applicants respectfully disagree with the Examiner's interpretation of the Owensby patent.

The Examiner referred to col. 14, lines 31-38 to support his assertion. Col. 14, lines 31-38 state "[r]egardless, the Mobile Switching Center 18 identifies and separates the wireless mobile communications that are to be provided with a targeted message from
10 the wireless mobile communications that are not to be provided with a targeted message. The Switch 18 then transmits the wireless mobile communications to be provided with a targeted message to the Voice Response Unit 21 or directly to the Ad Chooser Server 22." The Applicants note that the Ad Chooser Server is contained within the Call Management System 20. However, the Applicants submit that the Owensby patent does
15 not teach the first limitation of Claim 1.

First, the Applicants are unaware where in the Owensby patent it is taught what kind of data is provided by the Advertiser (Sponsor) to the Mobile Switch Center 18, or where this communication takes place. Assuming that there are advertisements provided by the Advertiser (Sponsor), the Applicants assert that the Owensby patent teaches that
20 these Advertisements are in a database of pre-selected commercial information, see col. 4, lines 15-16. The Applicants are unaware where the Owensby patent teaches, discloses, or suggests that the Advertiser (Sponsor) provides data to the Mobile Switch Center 18, as is asserted by the Examiner. Thus, the Applicants submit that the Owensby patent does not teach, disclose, or suggest "an information source element configured to provide
25 data to a data service element."

In addition, the Applicants are unaware where the Owensby patent teaches, discloses, or suggests "a data service element which uses provided data to register with a directory service element." According to the Examiner, the Advertiser (Sponsor) provides data to the Mobile Switch Center 18. Thus, the Applicants submit that the data
30 provided by the Advertiser (Sponsor) would be some sort of advertisement or commercial data. However, the Examiner, when rejecting this element, referred to col. 14, lines 31-

38, which discusses wireless communication data, which the Applicants understand to be transmitted to and from the wireless mobile terminal. The Applicants submit that the wireless communication data is not provided by the Advertiser (Sponsor), but instead by the wireless mobile terminal. Even if the Examiner changes his assertion and asserts that the information source element is not the Advertiser (Sponsor), but is instead the wireless mobile terminal, the Applicants submit that the Owensby patent does not teach, disclose, or suggest that the Mobile Switch Center 18 uses data provided by either the Advertiser (Sponsor) or the wireless mobile terminal to “register” with the Call Management System 20. As taught in col. 14, lines 31-38, the Applicants submit that “providing” wireless mobile communications to the Ad Chooser Server is not the same thing as using the wireless mobile communications “to register” with the Call Management System 20.

Claim 1 claims, in part, “a data service element which uses the provided data to register with a directory service element.” Merriam-Webster® Online Dictionary defines “register” (when used as a verb) to enroll formally; to record automatically; or to make a record of. The Applicants submit that “providing” wireless mobile communications to the Ad Chooser Server is not the same thing as “registering.” Thus, the Applicants submit that the Owensby patent does not teach, disclose or suggest “an information source element configured to provide data to the data service element which uses the provided data to register with a directory service element.”

b. The Owensby patent does not teach, disclose, or suggest “a client subsequently requests a service from a directory service polling subelement, which sends a lookup query to the directory service which, in turn provides services matching those requested by the client, to a candidate service filtering subelement, where candidate services are isolated, and are submitted to a target service filtering subelement.”

Additionally, the Applicants submit that the Owensby patent does not teach, disclose, or suggest the second limitation of Claim 1. Claim 1 claims, in part, “a client subsequently requests a service from a directory service polling subelement, which sends a lookup query to the directory service which, in turn provides services matching those requested by the client, to a candidate service filtering subelement, where candidate services are isolated, and are submitted to a target service filtering subelement.” The

Examiner stated that the wireless terminal reads on the “client” and the ACD 24 reads on the “directory service polling subelement.” The Examiner clarified that the ACD 24 is a sub-element of the Call Management System 20. Further, the Examiner asserted that the ACD 24 is a repository for the messages sent/requested by the subscriber; therefore, the Examiner concluded that the ACD 24 is polled for information. The Examiner pointed to col. 6, lines 52-68 to support his assertions.

1. The Owensby patent does not teach, disclose or suggest “a directory service polling subelement, which sends a lookup query to the directory service.”

The Applicants submit that the Owensby patent does not teach, disclose or suggest “a client subsequently requests a service from a directory service polling subelement, which sends a lookup query to the directory service which, in turn provides services matching those requested by the client, to a candidate service filtering subelement, where candidate services are isolated, and are submitted to a target service filtering subelement.”

In his rejection, the Examiner asserted that the ACD 24 sends a lookup query. The Examiner further clarified this statement by stating that the look-up query is the set of results (messages) being sent to the subscriber via the Call Management System 20. The Applicants disagree with the Examiner’s interpretation of the term “lookup query”. Merriam-Webster® Online Dictionary defines “query” as a question or an inquiry. Thus, a set of results (messages) being sent to the subscriber via the Call Management System 20 is not the same thing as a question being sent from ACD 24 to the Call Management System 20. Further, the Owensby patent teaches that the ACD 24 is a database including a plurality of pre-selected messages, see col. 15, lines 5-6. One skilled in the art would not understand that a database of pre-selected messages would send a query. Databases hold data, they do not send queries. Thus, the Applicants submit that the Owensby patent does not teach that the ACD 24 sends a lookup query to the directory service, as is asserted by the Examiner.

2. The Owensby patent does not teach, disclose or suggest “the directory service, which in turn provides services matching those requested by the client.”

Additionally, Claim 1 claims, in part, “the directory service which, in turn
5 provides services matching those requested by the client” The Examiner stated that the Owensby patent teaches that the Call Management System 20 provides services matching those requested by the wireless terminal 12. The Applicants respectfully disagree.

The Applicant is unsure where in the Owensby patent the Examiner finds this
10 limitation taught, disclosed or suggested. The Examiner asserted that the Owensby patent teaches this limitation, but has not explained to the Applicants where in the Owensby patent that he believes this limitation is taught. Thus, the Applicants respectfully request that the Examiner indicate where in the Owensby patent this limitation is taught, disclosed or suggested.

15 The Applicants submit that this limitation is not taught by the Owensby patent. Col. 16, lines 3-17 of the Owensby patent states, “[p]referably, the call signal, and the Wireless Mobile Location Data and the Subscriber Identification Code included with the call signal, is transmitted to the Ad Chooser Server 22 of the Call Management System 20 to identify the subscriber as well as the wireless mobile location of the subscriber.

20 The predetermined criteria [sic] of the Ad Target Data 25 is then compared to the Wireless Mobile Location Data and to the Subscriber Profile Data 26 to choose the messages to be targeted to the subscriber from the pre-selected messages of the ACD 24. Accordingly, the messages chosen by the Ad Chooser Server 22 from the ACD 24 based on the Ad Target Data 25 are further targeted to the subscriber corresponding to the
25 wireless mobile terminal 12 identified by the Subscriber Identification Code on the basis of the predetermined Subscriber Profile Data 26.” (emphasis added) Thus, the Owensby patent teaches that the messages to be targeted to the wireless terminal are chosen by the Ad Chooser Server 22 based on Ad Target Data 25. The Applicants submit that this step is not the same thing as “services matching those requested by the client” as is claimed in
30 Claim 1. Therefore, the Owensby patent does not teach, disclose or suggest this limitation.

c. The Owensby patent does not teach, disclose, or suggest “a target service filtering subelement; where target services are isolated and provided to the client.”

Further, Claim 1 claims, in part, “a target service filtering subelement; where
5 target services are isolated and provided to the client” The Examiner stated that the Owensby patent teaches that candidate services are isolated, and are submitted to an Ad Target Data 25, which reads on the claimed “target service filtering sub-element.” The Examiner continued by saying that the Ad Target Data 25 is isolated and provided to the wireless terminal 12. The Applicants do not understand the Examiner’s rejection
10 regarding this element. The Examiner appears to be reasoning that the Ad Target Data 25 is both the target service filtering subelement and the target services. The Applicants submit that the Ad Target Data 25 cannot be both the target service filtering subelement and the target services. In the Owensby patent, the Ad Target Data 25 is defined in col. 15, lines 8-10 as a “first database further includes predetermined criteria for choosing the
15 messages to be targeted to the subscriber, referred to herein as Ad Target Data 25.” The Applicants submit that a database is not a target service filtering subelement, and thus that the Owensby patent does not teach, disclose or suggest, this limitation.

Thus, the Applicants submit that the Owensby patent does not teach, disclose or suggest “a client subsequently requests a service from a directory service polling
20 subelement, which sends a lookup query to the directory service which, in turn provides services matching those requested by the client, to a candidate service filtering subelement, where candidate services are isolated, and are submitted to a target service filtering subelement.”

**d. The Owensby patent does not teach, disclose, or suggest “directory service
25 update decision subelement provides an updated service entry to the directory service.”**

Finally, claim 1 claims in part the “directory service update decision subelement provides an updated service entry to the directory service.” The Applicants do not believe that the Examiner addressed this limitation in the present office action. The
30 Examiner indicated that this element was taught by the Owensby patent but did not

provide the Applicants with where or which element in the Ownesby patent he believed taught this limitation.

For the above-mentioned reasons, the Applicants request that the Examiner withdraw this rejection and allow Claim 1.

5

Claims 2-8

Claims 2-8 are dependent upon Claim 1. For the reasons given above, the Applicants submit that Claim 1 is patentable over the cited prior art. Thus, the Applicants submit that Claims 2-8 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

10

Claim 10

The same arguments made above with reference to Claim 1 can be applied to Claim 10. Thus, the Applicants submit, for the reasons given above with respect to Claim 1, that Claim 10 is patentable over the cited prior art.

15

Claims 11-19

Claims 11-19 are dependent upon Claim 10. For the reasons given above, the Applicants submit that Claim 10 is patentable over the cited prior art. Thus, Claim 11-19 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

20

Claim 20

In the Applicant's response to the first office action, the Applicants specifically addressed the Examiner's rejection of Claim 20. In the final office action, the Examiner did not address the Applicants' arguments. The Applicants would appreciate receiving the Examiner's thoughts as to the Applicants' arguments as to why Claim 20 contains patentable subject matter. The Applicants have included their arguments from the first response for completeness.

25

Claim 20 claims, in part, "the data is dynamically updated" The Examiner stated that the Owensby patent teaches this limitation in col. 17, lines 54-67 and col. 18,

30

lines 1-10. The Applicants respectfully disagree. Col. 18, lines 4-10 state “[t]he Ad Selection Code is then manipulated to select an appropriate advertisement for the subscriber based on the geographical location of the subscriber, the demographics and preferences of the subscriber, the advertisements previously provided to the subscriber and the data and time of the call.” The Applicants are unaware where in the section of the Owensby patent cited by the Examiner that the “data is dynamically updated” as is claimed by Claim 20. Admittedly, an advertisement is sent based on the wireless devices location, but the Applicants submit that the Owensby patent does not teach, disclose or suggest dynamically updating the data. Thus, the Applicants submit that Claim 20 is patentable over the cited prior art.

Claims 21 and 22

Claims 21 and 22 are patentable upon Claim 20. For the reasons given above, Claim 20 is patentable over the cited prior art. Therefore, Claims 21 and 22 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

Concluding Remarks:

The Applicants respectfully submit that in light of the above comments and remarks, all claims are now in allowable condition. The Applicants thus respectfully
5 requests timely allowance of all of the pending claims.

In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicants or Applicants' representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated
10 below.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to the attached credit card payment form, or if not possible, to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner
15 is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to the attached credit card form or deposit account no. 50-
20 2691.

Respectfully submitted,
TOPE-MCKAY & ASSOCIATES

By: _____



Cary Tope-McKay
(310) 589-8158
Registration No. 41,350